IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO. 1549 OF 2005
IN
SUIT NO. 978 OF 1983

Charu Harish Pandya ... Plaintiff

V/s

Saregama India Ltd. ... Defendant

Mr. P. Ganwani with Mr.A.B. Narvekar i/by Soloman & Co. for the plaintiff.

Ms. Agnes Baradia i/by M/s. Thakore Jariwala Asso. for the defendant.

CORAM: P.V. KAKADE, J.

DATED: 16TH DEC., 2005

P.C.:

1. Heard advocate for both parties. Perused the record.

2. This chamber summons is moved by the defendants seeking permission to file additional written statement in the matter. In fact, the matter is being heard and the process of recording of evidence is in progress. Plaintiff's evidence is complete and defendants' witness is already under cross-examination. On this back

ground, defendants submits that they have received a letter dated 2.12.2005 from a third party claiming right to a particular movie which is the subject matter of the dispute between the plaintiffs and defendants. Therefore, defendants want to bring the said letter on record as part of their evidence.

3. Now, it is to be noted that the third person who has staked its claim to the same movie, which is the subject matter of the dispute between the plaintiffs and the defendants, may or may not come forward to stake its claim by way of independent suit or at least by other process. However, definitely, it would not be allowed in law for the defendants to amend their written statement or seek permission to file additional written statement only to introduce the said letter in the course of their evidence. If at all they want to utilize this letter in this matter pending between the parties, the defendants can file the said letter on record and its legal implication and evidential value shall be assessed by the Court at the relevant time, however, it cannot give any cause of action for seeking permission to file additional written statement. I am satisfied that this plea is nothing but one more delaying tactic. Hence, it cannot be allowed in law.

Under the circumstances, the chamber is devoid of any merits and hence stands dismissed with no order as to costs.

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